

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

MAIL PROCESSING NETWORK RATIONALIZATION
SERVICE CHANGES, 2011

Docket No. N2012-1

**NOTICE OF THE UNITED STATES POSTAL SERVICE
REGARDING WITNESS AVAILABILITY**

By means of Presiding Officer's Ruling N2012-1/5 (January 12, 2012), the procedural schedule was set for this docket. That Ruling set four days for hearings on the Postal Service direct case, Tuesday, March 20 through Friday, -March 23, 2012. *Id.* at 8.

The Postal Service having consulted with members of its litigation team, most particularly the witnesses themselves, has identified some constraints and preferences that may serve to assist the Commission in determining which witnesses should be scheduled on what day, and their order of appearance on each day.

The Postal Service sees no need to propose a specific schedule for witnesses' appearances, preferring to leave that to the Commission's preferences. As a general matter, the numeric identifiers of respective witnesses provide initial guidance regarding an order in which witnesses may be scheduled. For example, witness Williams (USPS-T-1) is the policy witness for the Postal Service direct case:

The purpose of my testimony is to describe the nature of the changes in services that the Postal Service proposes to implement in fiscal year 2012 in conjunction with its plan to amend 39 C.F.R. Part 121 to revise the current service standards for First-Class Mail, Periodicals, Package Services and Standard Mail.

USPS-T-1, at 1. He would make an excellent first witness since his testimony effectively sets a foundation for the testimony of the all other witnesses.

Counsel for NALC contacted the undersigned counsel expressing an interest in cross-examining the market research witnesses, witnesses Elmore-Yalch (USPS-T-11) and Whiteman (USPS-T-12); NALC counsel further indicated that he has a hard commitment (court appearance) scheduled for the last day of hearings, Friday, March 23. Since the market research witnesses are a team, they should be scheduled to appear back-to-back, perhaps on Wednesday or Thursday. Further, since witness Elmore-Yalch's testimony establishes the foundation for witness Whiteman's testimony, the former should be scheduled to appear immediately prior to the latter.

Witness Rachel (USPS-T-8) has a firm commitment (which predates the filing of this case) that precludes his appearance in person for any of the hearing dates (he will be many states removed from Washington, DC.) His testimony may not draw interest in cross-examination, but that is no certainty. The Postal Service accordingly requests that, if any party is interested in conducting oral cross-examination of witness Rachel, please contact counsel for the Postal Service to see if a stipulated set of questions and answers can be utilized in lieu of a personal appearance on the witness stand.

As the Commission knows well, Professor Bradley (USPS-T-9) is a tenured professor at George Washington University. His teaching responsibilities make him unavailable on Tuesday, March 20, and on Thursday, March 22. He should accordingly be scheduled on Wednesday or Friday.

Witnesses Bratta (USPS-T-5) and Mehra (USPS-T-7) are senior executives whose press of regular business compresses their availability. Witness Bratta would

strongly prefer to see himself scheduled for Thursday or Friday, but not Tuesday or Wednesday. Witness Mehra sees only Friday as an option for her appearance.

Undersigned counsel is not aware of additional constraints. However, if Commission staff or participants see a need to schedule any appearance that conflicts with the limits described above, or if later some change appears increasingly necessary, please contact counsel for the Postal Service in addition to Commission staff.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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